THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 11534 of 2006

Dated: 28-07-2006

Between:

M.Jagadish Krishna

..... PETITIONER

AND

The Pass Port Authority (Regional),
Hyderabad, A.P.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 11534 of 2006

O R D E R:

This writ petition is filed aggrieved by the action of the respondent in not processing the application of the petitioner dated 12-05-2006 for grant of passport.

In the counter filed by the respondents it is stated that the verification report submitted by the Police shows that the petitioner is involved in Crime No.119 of 2004, which is subsequently registered as S.C.No.25/5/05 on the file of the Court of IV Additional Session Judge, Guntur, and is pending as on today. It is contended that as per Section 6 (2) (f) of the Passport Act, 1967 (for short, the Act), pendency of such proceedings before a Criminal Court in India is a bar to issue passport under clause (c) of sub-section (2) of Section 5 of the Act.

It is to be noted that if any person is aggrieved by the order of the Passport Authority under Section 5(2) of the Act, he may challenge the same by preferring an appeal under Section 11 of the Act.

However, learned counsel for the petitioner submits that since the application of the petitioner has been merely kept pending, and no order has been passed by the respondent so far either granting or refusing the passport, the petitioner is put to hardship and there is no other remedy available for redressal of his grievance.

In case the petitioner is not entitled for the passport as sought by him, it is always open to the respondent to pass an order to that effect. However, without passing any such order, the respondent cannot keep the request of the petitioner pending.

Accordingly, the writ petition is disposed of with a direction to

the respondent to pass appropriate orders on the application of the petitioner and to communicate the same to the petitioner as expeditiously as possible preferably within a period of two weeks from the date of receipt of a copy of this order. It is made clear that in case the petitioner is aggrieved by such order, it is open to him to work out the remedy as available under the Act. No costs.

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G. ROHINI, J

Dated: 28-07-2006
KLP